

**Attorney – Client Communication
Privileged, Confidential, and Exempt from
Disclosure under applicable law.
Contains material prepared by counsel and
may include advice of counsel.**

INITIAL CASE ASSESSMENT FORM

CAPTION OF CASE:

CLIENT:

JDC# AND PARISH:

Suit#

JUDGE:

DATE OF OCCURRENCE:

FILED:

SERVED:

ORM#

ADJUSTER:

OFFICE/SECTION:

BILLING ATTORNEY:

Telephone Number:

CONTRACT ATTORNEY:

(If different from billing attorney)

PLAINTIFF'S ATTORNEYS:

CO-DEFENDANTS:

CO-DEFENDANT'S ATTORNEYS:

THIRD PARTY DEFENDANTS:

THIRD PARTY DEFENDANTS' ATTORNEYS:

DATE PREPARED:

I. FACTS (alleged/established/inferred):

A. Plaintiff's Claims:

B. Accident Report/Investigative File:

C. Any other source of information:

II. PLAINTIFF'S CAUSES OF ACTION AND/OR THEORIES OF RECOVERY:

III. STATUTORY DEFENSES OR CASES ON POINT

(A very brief [1 hour or less] review of pertinent statutes and cases is permitted to assist in development theory of defense which in turn will assist in development of plan of action)

IV. CRITICAL DATES:

A. Answer Due:

B. Other:

V. RESPONSIVE PLEADINGS:

A. Exceptions:

(list each exception separately, with brief description of basis for same)

B. Jury Request approved by ORM:

- C. Jury Request plead in conformity with CCP 893 and CCP 1732 et seq. (Y or N):
 - D. Affirmative Defenses plead:
 - E. Comparative Fault plead:
 - F. Claim for Contribution or Indemnity:
 - VI. INITIAL EVALUATON OF LIABILITY (all parties):
(describe each party's exposure in separate paragraph)
 - VII. DAMAGES (alleged/established/inferred):
(List each element of damage claimed in the Petition, whether it is allowable under law, and whether there is evidence to support it.)
- Medicare Lien \$
- Other Lien \$
- VIII. INITIAL MOTIONS:
(list each Motion separately, with brief description of _____ for same)
 - IX. PLAN OF ACTION: INVESTIGATION AND DISCOVERY
(List each task anticipated, needed and/or required to develop defense of case; and where applicable, designate whether task has been accomplished):
- A. By ORM:
 - B. By Agency/individual defendant:
(list contact information where available)
 - C. By Trial Counsel:
(CAs applicable provide name(s), description of document which separate defense of claim and type of discovery request)
 - 1. Interviews/Documents from Client/Witness/Investigating Agent:
 - 2. Written Discovery:
 - 3. Depositions:
 - a. Plaintiffs:
 - b. Client:
 - c. Co-Defendants:
 - d. Fact/Eye Witnesses:
 - e. Agency Policy/Procedure Witnesses:
 - f. Treating health care providers:
 - g. Non-medical Experts:
 - 4. Inspections:
 - 5. Analysis of client/agency documents for privilege
 - 6. Document Production to plaintiff/co-defendants:
 - X. EXPERTS

A. Identify by specialty the type of non-medical expert(s) needed to defend case; and advise whether in-house versus private expert(s) are appropriate

B. IME, identify specialty:

XI. ORM RESOURCES:
(Identify ORM resources that will assist in preparation of defense of case)

XII. INITIAL DEFENSE BUDGET:

A. Maximum Judgment Value\$_____

B. Expenses

1. Legal Fees\$_____

2. Support Personnel Costs
(Paralegals, IME, experts, etc.)\$_____

3. Other costs
(Travel, deposition, outside copying
photos/demonstrative evidence, etc.)\$_____

TOTAL EXPENSES\$_____

Six Month Case Assessment Form Due:_____

Signature

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INSTRUCTIONS TO TRIAL COUNSEL FOR SUBMISSION OF INTIAL CASE ASSESSMENT FORM:

The Initial Case Assessment is due **60 DAYS** from the date of acceptance of the contract.

It is recognized that trial counsel will not have sufficient information to complete many sections of this form at this early stage of the litigation. However, the form is designed to provoke thought and analysis of the defense of the case and the development of a plan of action to be discussed and agreed upon with the ORM Adjuster.

The analysis and description of Plaintiff’s Causes of Action and/or Theories of Recovery are critical to the proper preparation of the defense in every case. It provides a road map for the types of witnesses and the documents that are needed. It should also be used to identify claims for which there is no basis in law and/or fact, and after consultation with the ORM adjuster, motions for partial summary judgment and/or dismissal should be filed accordingly.

THE DEFENSE BUDGET IS PARTICULARLY CRITICAL TO ORM, WHICH RECOGNIZES THAT ANY FIGURES ADVANCED ARE SIMPLY ESTIMATES AND WILL IN NO WAY RESTRICT THE EFFECTIVE DEFENSE OF THE CASE.

AT SUCH TIME AS THE ESTIMATES BECOME INACCURATE, TRIAL COUNSEL MUST PROVIDES UPDATED ESTIMATES TO THE ADJUSTER WITH A DESCRIPTION OF THE DEVELOPMENTS WHICH REQUIRE A REVISION TO THE INITIAL ESTIMATE. SPACE IS PROVIDED ON SUBSEQUENT REPORTING FORMS FOR THIS PURPOSE.

Trial Counsel shall e-mail or fax the completed form to the ORM Adjuster and the Appropriate Section Chief at the Department of Justice and e-mail a copy of it to the DOJ Director of Litigation at LitDir@ag.state.la.us.

ORM INTERNAL USE ONLY: USE IN ALL GL, RH, X IN SUIT, complex WC/Employer Liability Cases, and CR except prisoner judicial review.